

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 22
December 19, 2016 6:00 P.M.

A. The meeting was called to order by Chairwoman Almond at 6:11 P.M. The Chairwoman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 45 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
WADE KACH	THIRD DISTRICT
JULIAN E. JONES, JR.	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
TODD K. CRANDELL	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilwoman Bevins, seconded by Councilman Crandell, the reading of the Journal Entries for the meeting of December 5, 2016 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairwoman stated that the following Bills were passed by the County Council and signed by the County Executive. She certified and delivered to the Secretary, Bills 78-16, 79-16 and 80-16.

D. INTRODUCTION OF BILLS

Bill 90-16, entitled An Act for the purpose of amending the 2016-2017 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Governors' Office of Crime Control and Prevention.

Bill 91-16, entitled An Act for the purpose of amending the 2016-2017 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Governors' Office of Crime Control and Prevention.

Bill 92-16, entitled An Act for the purpose of amending the 2016-2017 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Governors' Office of Crime Control and Prevention.

Bill 93-16, entitled An Act for the purpose of amending the 2016-2017 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Hazardous Materials Emergency Preparedness (HMEP) grant from the Department of Homeland Security, Federal Emergency Management Agency.

Bill 94-16, entitled An Act for the purpose of amending the 2016-2017 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Maryland Highway Safety Office.

Bill 95-16, entitled An Act for the purpose of permitting a commercial solar facility to be located in certain zones of the County by special exception; defining terms; providing for the requirements for a facility; providing for a required security; providing for the maintenance, abandonment, and removal of a facility; authorizing the Code Official to enforce the provisions of this Act; providing exceptions; providing for the application of the Act; and generally relating to commercial solar facilities.

Bill 96-16, entitled An Act for the purpose of establishing a tax credit for certain senior citizens and veterans under certain conditions; establishing the terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; and generally relating to property tax credits.

Bill 97-16, entitled An Act for the purpose of permitting the manufacture, modification, service or sale of vehicles for people with disabilities in the M.L. Zone as a matter of right; and generally relating to uses permitted in the M.L. Zone.

Bill 98-16, entitled An Act for the purpose of placing a certain condition on the issuance of a Use and Occupancy permit; and generally relating to the issuance of a Use and Occupancy permit.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 81-16, CEB – Detention Center Pilot Project Naloxone, was called. Della Leister appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 82-16, Capital Budget–210-205-P133 Roadway Resurfacing/211-213-P209 School Air Conditioning Projects, was called. Keith Dorsey appeared. Councilman Quirk commented. Councilwoman Bevins then moved to amend this Bill with the following amendments:

On page 1, in the short title, strike “211-213-P209 School Air Conditioning Projects”, and substitute

211-213-P203 SW Area New Construction, Additions, Renovations
211-213-P207 NE Area New Construction, Additions, Renovations
211-213-P665 Major Maintenance

On page 1, in the first line of the purpose paragraph, strike “\$88,228,250”, and substitute “\$89,359,250”; and in the second line, strike “\$4,750,000”, and substitute “\$3,731,000”.

On page 2, in the first line, strike “WHEREAS” and substitute “WHEREAS”; in line 12, strike “\$5,429,000”, and substitute “\$6,560,000”; and in line 14, strike “\$4,750,000” and substitute “\$3,731,000”.

Councilman Jones seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Jones, seconded by Councilwoman Bevins, Bill 82-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 83-16, Open Space, was called. Councilman Jones moved to amend this Bill with the following amendment:

1. On page 2, in line 9, after “January 2, 2017”, insert “, and be applied retroactively to November 21, 2016 and in the same manner as Section 5 of Bill 73-16”.

Councilwoman Bevins seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell

Nay - None

Thereafter, upon motion by Councilman Jones, seconded by Councilwoman Bevins, Bill 83-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell

Nay - None

Bill 84-16, Transient Occupancy Tax, was called. Councilmembers Almond, Crandell, Quirks and Bevins commented. Councilwoman Almond then moved to amend this Bill with the following amendments:

1. On page 3, in line 16, after “PROMOTION”, insert “TO FUND TOURISM AND TOURISM RELATED ACTIVITIES”, and in line 19, after “enactment”, insert “, and shall apply to the fiscal year beginning July 1, 2017”.

Councilman Quirk seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell

Nay - None

Thereafter, Bill 84-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell

Nay - None

Bill 85-16, This Bill was withdrawn prior to the meeting.

Bill 86-16, Downtown Towson Overlay District, was called. Councilwoman Bevins moved to amend this Bill with the following amendments:

1. On page 3, at the end of line 15, add: “If another location is not available, a fee-in-lieu shall be paid to cover the cost of the replacement trees and for installation of the trees only, which fee shall be used within the Downtown Towson Overlay District.”

2. On page 4, at the end of line 2, add: “If installation of new street trees is precluded, a fee-in-lieu shall be paid and used as required in subsection G.6.A.III.”

3. On page 4, line 15, strike “SIDEWALKS,”.

4. On page 4, at the end of line 16, add: “If the width from building façade to face of curb includes sidewalk and exceeds 7 feet, the width in excess of 7 feet qualifies as downtown open space, including any sidewalks. However, the cost of sidewalks along public roads may not be used to reduce open space fees. ”

5. On page 4, line 18, strike the brackets.
6. On page 5, at the beginning of line 1, add “SECTION 2. AND BE IT FURTHER ENACTED that the provisions of Section 5 of Bill 49-16 are hereby stricken and of no further force and effect.”
7. On page 5, line 1, strike “SECTION 2.” and replace with “SECTION 3.”
8. On page 5, line 2, after “235.B.4,” add: “259.16.”
9. On page 5, line 3, after “Bill 49-16” add: “and this Act”.
10. On page 5, line 6, strike “II” and replace with “2”.
11. On page 5, line 11, after “Bill 49-16” strike “or” and replace with “and”.
12. On page 5, line 13, strike “SECTION 3.” and replace with “SECTION 4.”
13. On page 5, line 14, strike “January 2, 2017.” and replace with “on the date of its enactment.”

Councilman Crandell seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
 Nay - None

Thereafter, upon motion by Councilman Marks, seconded by Councilwoman Bevins, Bill 86-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
 Nay - None

Bill 87-16, Convenience Stores, was called. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
 Nay - None

Bill 88-16, Zoning Regulations – General Use Regulations in D.R. Zones, was called. Councilman Quirk moved to amend this Bill with the following amendment:

1. On page 2, in line 8, after “IF”, insert “IN EXISTENCE FOR AT LEAST 25 YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND”.

Councilwoman Bevins seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
 Nay - None

Thereafter, upon motion by Councilman Quirk, seconded by Councilman Jones, Bill 88-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
 Nay - None

Bill 89-16, This Bill was withdrawn prior to the meeting.

The Chairwoman stated that the Council would now consider Miscellaneous Business # 1, Resolution 113-16.

1. Res. 113-16 – Planned Unit Development – Towson Station

The Secretary read this Resolution of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law. Councilmembers Marks, Crandell and Bevins commented. Councilman Marks then moved to amend this Resolution with the following amendments:

1. On page 1, in the sixth line of the third WHEREAS clause, after “containing”, insert “a fuel service station with no more than 12 fuel service spaces,”

2. On page 2, in the second line of the seventh WHEREAS clause, after “including”, insert “a fuel service station with no more than 12 fuel service spaces and”

3. On page 3, in the sixth line of the first WHEREAS clause, insert the following after the semicolon: “the \$6,000 shall be used for the West Towson Trail if the speed display signs are previously erected by the County;”

4. On page 3, in the second WHEREAS clause, strike the semicolon and substitute the following:

“ The Panel shall make recommendations regarding (1) methods of protecting the Immaculate Conception Church property and (2) the consistency of the design theme throughout the project, including the use of high-quality materials, a natural color palette, and enhanced architectural elements, and to ensure that building materials used throughout the site are similar to those found in traditional Towson settings, such as the former Towson jail, and that intrusive lighting is minimized, and that the landscaping design for the project includes the use of lush plantings, and that the landscape design at the corner of York Road and Bosley Avenue includes the use of attractive “Towson” stone retaining walls accented by decorative black fencing and that existing mature trees that surround the site are protected;”

5. On page 3, delete the third WHEREAS clause.

Councilwoman Bevins seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Marks, seconded by Councilman Jones, Resolution 113-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

F. APPROVAL OF FISCAL MATTERS

The Chairwoman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council’s work session on December 13, 2016. The witnesses who testified at the work session were available to restate their testimony if needed. If a Councilmember had any questions regarding a particular Fiscal Matter, that item would be discussed as a separate matter. Chairwoman Almond then called upon the Secretary to read the cover letter for Fiscal Matters 1 through 6.

1. Contract – Athens Bio Solutions, LLC – Bio hazardous and trauma clean-up services - BCPD

A contract with Athens Bio Solutions, LLC, to provide bio hazardous and trauma clean-up services, including inside and outside areas and autos at various sites within or near the Baltimore County boundaries of Baltimore County, Maryland on a time and materials basis.

2. Amendment #4 to Contract – Systems Alliance – Software, maintenance and support – Content Mgmt. Systems-OIT

Amendment #4 to the contract with System Alliance, to increase the compensation cap. They will continue to provide software, maintenance and support for the County’s content management systems. This will ensure that the County continues to maintain it awarding winning websites in order to better service the County’s constituents.

3. Amendment to Contract – Advantage Engineers, LLC – Design & engineering services – Inter-County Broadband Network - OIT

An amendment to the contract with Advantage Engineers, LLC, to increase the compensation cap. They will continue to provide design and engineering services for the Inter-County Broadband Network fiber optic infrastructure project, as we expand the Broadband Fiber Optic Network into schools, libraries, police precincts, fire stations, hospitals, community colleges, government buildings, etc.

4. Amendment to Contract – Unify, Inc. – Support - Detention Center phone system – OIT

An amendment to the contract with Unify, Inc., to add tow (2) one-year renewal periods that continues through January 28, 2019. They will continue their support for the Baltimore County Detention Center’s phone system, while the County completes upgrades to the 911 Unify system allowing IP trunk capability into the main 911 Center Unify system.

5. Contract – PACE Financial Servicing – PACE Program Manager – OBF

A contract with PACE Financial Servicing. PACE will act as the County’s PACE Program Manager, and will develop, promote and administer a PACE Program at no cost to the County.

6. Contract – C.M. & J.L. Radebaugh Company, LLC – Acquisition of parcel – 120 E. Burke Ave. 21286 – REC

A contract with C.M. and J.L. Radebaugh Company, LLC, to acquire a portion of a parcel of land, located at 120 E. Burke Avenue, Towson, Maryland 21286, to be used a passive open space.

There being no discussion, upon motion by Councilman Marks, seconded by Councilman Quirk, Fiscal Matters 1 through 6 were unanimously approved.

G. MISCELLANEOUS BUSINESS

2. Res. 135-16 – Neighborhood Traffic Management Program

At the direction of the Chairwoman, the Secretary read this Resolution of the Baltimore County Council approving the revised Neighborhood Traffic Management Program. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Crandell, this Resolution was unanimously approved.

3. Res. 136-16 – Support of the continuation of statewide ban - Hydraulic Fracturing

At the direction of the Chairwoman, the Secretary read this Resolution of the Baltimore County Council in support of the continuation of a statewide ban on hydraulic fracturing in the State of Maryland. Councilwoman Almond commented. Councilman Jones then moved to amend this Resolution with the following amendment:

On page 2, in the first RESOLVED clause, after “Maryland”, insert “, or if the ban is not continued on a statewide basis, the Council supports the continuation of the ban in Baltimore County and its adjacent jurisdictions”

Councilman Kach seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Marks, seconded by Councilman Quirk, Resolution 136-16, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins
Nay - Crandell

4. Res. 137-16 – Property Tax Exemption – DAV – Fahim Nadir Kashif

At the direction of the Chairwoman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Fahim Nadir Kashif, who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Jones, seconded by Councilman Quirk, this Resolution was unanimously approved.

5. Res. 138-16 – Property Tax Exemption – DAV – Moody D. Wharam, Jr

At the direction of the Chairwoman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Moody D. Wharam, Jr., who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Crandell, seconded by Councilwoman Almond, this Resolution was unanimously approved.

6. Res. 139-16 – Planned Unit Development – Victoria Crossing

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Quirk, seconded by Councilman Crandell, the meeting adjourned at 6:42 P.M.


Thomas J. Peddicord, Jr.